

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: David J. Ecker *et al.*
Serial No.: 10/728,486
Filed: 12/5/2003
Entitled: **Methods for Rapid Detection of Pathogens in Humans and Animals**

Group No.: 1637
Examiner: D.C. Thomas

**PETITION TO ACCEPT AN UNINTENTIONALLY
DELAYED CLAIM UNDER 35 U.S.C. 120 FOR THE
BENEFIT OF PRIOR-FILED APPLICATION**

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CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is, on the date shown below, being transmitted to the United States Patent and Trademark Office transmitted via the Office electronic filing system in accordance with 37 C.F.R. §1.6(a)(4).

Dated: April 17, 2008

By: /David A. Casimir /

David A. Casimir Reg. No.: 42,395

Applicants hereby submit a petition to accept an unintentionally delayed claim under 35 U.S.C. 120 for the benefit of prior-filed application. In compliance with 37 CFR 1.78, Applicants provide the following:

- 1) The reference required by 35 U.S.C. 120 and paragraph (a)(2) of 37 CFR 1.78 to the prior-filed application, unless previously submitted. In an amendment filed herewith, Applicants have amended the priority claim of the above referenced application to recite (amendment in underlined font):

The present application: 1) is a continuation-in-part of U.S. application Serial No. 10/323,233 filed December 18, 2002; 2) is a continuation-in-part of U.S. application Serial No. 10/326,051 filed December 18, 2002; 3) is a continuation-in-part of U.S. application Serial No. 10/325,527 filed December 18, 2002; 4) is a continuation-in-part of U.S. application Serial No. 10/325,526, filed December 18, 2002; 5) claims the benefit of U.S. provisional application Serial No. 60/431,319 filed December 6, 2002; 6) claims the benefit of U.S. provisional application Serial No. 60/443,443, filed January 29, 2003; 7) claims the benefit of U.S. provisional application Serial No. 60/443,788 filed January 30, 2003; 8) claims the benefit of U.S. provisional application Serial No. 60/447,529 filed February 14, 2003; and 9) claims the benefit of U.S. provisional application Serial No. 60/501,926 filed September 11, 2003, 10) is a continuation-in-part of U.S. application Serial No. 10/660,122, filed September 11, 2003, which is a continuation-in-part of U.S. application Serial No. 09/798,007, filed March 2, 2001; and 11) is a continuation-in-part of U.S. application Serial No. 10/156,608, filed May 24, 2002, now U.S. Pat. No. 7,108,974, which is a division of U.S. application Serial No. 09/798,007, filed March 2, 2001, each of which is herein incorporated by reference in its entirety.

2) The surcharge set forth in § 1.17(t). The surcharge is submitted herewith. The Commissioner is hereby authorized to charge any additional fees that may be required or credit any overpayment to Deposit Account 50-4302, referencing Attorney Docket No. ISIS-10449.

3) A statement that the entire delay between the date the claim was due under paragraph (a)(2)(ii) of this section and the date the claim was filed was unintentional. Applicants state that the entire delay between the date the claim was due under paragraph (a)(2)(ii) of this section and the present date, where the claim is now filed, was unintentional.

Dated: April 17, 2008

/David A. Casimir/

David A. Casimir
Registration No. 42,395

CASIMIR JONES, S.C.
440 Science Drive, Suite 203
Madison, WI 53711